

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16922 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- HUSSAINGANJ District- Siwan

Kauser Imam @ Azad Hashmi Son of Mohammad Hashim, resident of
Village - Surahiya, P.S.- Barhariya, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Hussainganj P.S. Case No. 92 of 2022,
registered for offences under Sections 302/120(B)/307 of the
IPC and Section 27 of the Arms Act.

The case of the prosecution, according to the
informant, who was contesting MLA election, is that on
04.04.2022, at about 9 pm, while he was going to his parental
home on his Endeavour vehicle along with his followers, on the
way, some people started firing resulting in death of one person.
It is also alleged that the FIR named accused persons had given
effect to the said occurrence.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is not named in the FIR and in fact his name has transpired in the present case, during the course of investigation upon the confessional statement made by one co-accused, namely, Azad Ansari, which has got no evidentiary value in the eyes of law, hence it is apparent that the petitioner has been roped in the present case, merely, on suspicion. It is also submitted that the petitioner has not been alleged to have fired on the deceased.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not named in the FIR and his name has transpired in the present case, on the basis of confessional statement of one co-accused Azad Ansari, apart from the fact that the petitioner has not been alleged to have fired on the deceased, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, IX Siwan in connection with Hussanganj P.S. Case No. 92 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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